

Serial No.: 10/563,660
Docket No.: 09792909-6521
Amendment dated February 8, 2010
Reply to the Office Action of November 27, 2009

REMARKS

A. Introduction

Claims 1-16 were pending and under consideration in the application.

In the Office Action of November 27, 2009 ("the Office Action"), claims 1-16 were rejected as obvious.

In response, the rejections are traversed. Reconsideration and allowance of the pending claims are requested in view of the following remarks.

B. Rejection under 35 USC §103

Claims 1-10 were rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,612,691 to Koitabashi in view of U.S. Patent No. 5,591,514 to Hirose. Applicant traverses these rejections for at least the following reasons.

Independent claims 1 and 4 recite, *inter alia*, inks having "a surface tension of 25 to 45 mN/m at 23°C." As provided in the Specification, an ink with the claimed surface tension at the claimed temperature advantageously provides high-definition images having a mixture of colors without blots. See Spec. paras. 0014 and 0035.

In attempt to meet this recitation, the Examiner relies on Koitabashi and argues that Koitabashi discloses using inks of 35 to 40 dyne/cm. See the Office Action, para. 3. However, this argument is deficient because it does not address temperature and inks do not have the same surface tension at the same temperature. Thus, the grounds of rejection are deficient.

Additionally, the art of record fails to disclose or suggest this recitation.

Koitabashi is silent regarding an ink with a surface tension at 23°C. In fact, Koitabashi illustrates exactly the opposite, i.e., using inks on a heated recording medium to increase penetrativeness thereby providing a higher recording density. See Koitabashi, Summary, figs. 14, 15, and 17-19, and corresponding portions of the

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specification. A heated environment is not the same as "23°C" and surface tensions of inks are different from each other and vary depending on temperature. Thus, Koitabashi fails to disclose or fairly suggest all of the recitations of independent claims 1 and 4.

Hirose is limited to an ink having a surface tension of 45 to 50 dyne/cm at 25 degrees Celsius, which is not the same as an inks having "a surface tension of 25 to 45 mN/m at 23°C," as recited by independent claims 1 and 4. Thus, Hirose also fails to disclose or fairly suggest all of the recitations of independent claims 1 and 4.

Accordingly, independent claims 1 and 4 are patentable over the references and withdrawal of these rejections and allowance of these claims are earnestly solicited. Likewise, claims depending from independent claims 1 or 4 include all of the limitations of these claims, and are also allowable over these references for at least the same reasons discussed above with respect to claims 1 and 4.

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C. Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,
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